

REMARKS

Currently pending in this application are claims 1-39. Claims 1, 7, 13, 21, 22, 24, 25, 27-29, 34, 37, and 39 are currently amended. Claims 2, 4, 8-11, 14, 19, and 26 were previously presented. Claims 3, 6, 12, 15-18, 20, 23, 30-33, 35, 36, and 38 are original. Claims 5, and 40-42 are cancelled without prejudice.

Claims 1-21, 23-26, 35-38 and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 5,974,451).

Claims 22, 27, 29-34 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons (US 5,974,451) in view of Castell et al. (US 2002/0132607 A1).

Currently amended claim 1 discloses: examining a normal flow of original *upstream* web traffic data generated by the subscriber at a subscriber site through the ISP to a destination URL requested by the subscriber, identifying the subscriber by using identifying data available from the subscriber to provide a fixed subscriber identifier, providing the fixed subscriber identifier to a consolidating and management device, reconstructing at the consolidating and managing device the original *upstream* web traffic data from the subscriber for the purpose of transmitting to the subscriber site a vehicle for selectively generating additional web traffic data for displaying and communicating a message from the consolidating and management device to the subscriber site without interfering with the original *upstream* web traffic data, and selectively transmitting a modified message to the subscriber to cause the inclusion of the original *upstream* flow of web traffic data for connecting the subscriber to the *original* destination URL and, in addition, the additional web traffic data generated at the consolidating and managing device.

Per the Examiners suggestion, which Applicants are thankful to receive, claim 1 has been amended to describe identifying a subscriber, generating additional web traffic data for displaying and communicating a message to the subscriber site, transmitting a modified message to the subscriber to cause the inclusion of the original *upstream* flow of web traffic data for connecting the subscriber to the *original* destination URL and the additional generated web traffic data.

As such, currently amended claim 1 advantageously discloses instructing the subscriber to go to the originally requested site by transmitting a modified message to the subscriber to cause the inclusion of the original upstream flow of web traffic data for connecting the subscriber to the original destination URL, and to also go to an additional site for a message which will then be delivered to the subscriber by providing additional web traffic data generated at the consolidating and managing device.

Claims 7, 13, 21, 22, 24, 25, 27-29, 34, 37, and 39 are currently amended to correct minor grammatical and antecedent basis issues. These amendments do not change the scope of the claims nor do they add any new matter.

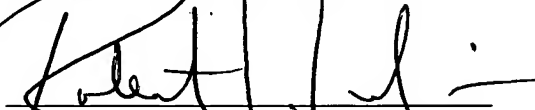
It is respectfully submitted that above arguments and the amendments to the claims clearly distinguish the invention from the primary reference Simmons and that the invention is neither suggested nor anticipated by Simmons alone or by Simmons in combination with any of the other references cited by the Examiner. It is respectfully submitted that Claim 1, as amended, is allowable over the art of record. Since the remaining claims all depend from Claim 1, said dependent claims should be allowable for the same reasoning.

Therefore, it is respectfully requested that the rejection of Claims 1-21, 23-26, 35-38 and 40-42 under 35 U.S.C. 102(b) as being anticipated by Simmons (US 5,974,451) be withdrawn, and the rejection of Claims 22, 27, 29-34 and 30 under 35 U.S.C. 103(a) as being unpatentable over Simmons (US 5,974,451) in view of Castell et al. (US 2002/0132607 A1) be withdrawn.

All of the objections and rejections of the Examiner having been met, notice of allowance is respectfully solicited.

Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, via Express Mail No. EQ090966222 US (37 CFR 1.10), in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 28, 2005

Date

